

Disability, Intersectionality, and Struggles Over Social Justice: Reframing Debates over Children's Rights

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In October 2019, Western media was outraged about the case of 39 dead bodies found in a refrigerated trailer in Essex in the UK. The truck hauling this trailer was believed to have travelled for several days from Belgium to the UK. One of the victims was a 26-year-old young woman from the province of Ha Tinh in Vietnam—a province heavily impacted by an environmental disaster caused by a chemical spill from a steel factory invested by a Taiwanese corporation in Vietnam in 2016. Many families in the central provinces of Vietnam, including Nghe An and Ha Tinh provinces, whose children have been trafficked to France and England for cheap labour, have been in contact with authorities and suspecting the very worst, that their children would be among the dead. In an interview with the Canadian Broadcasting Corporation (CBC News Network, October 27th, 2019)ⁱ, Mimi Vu, a leading trafficking expert from Vietnam said that this is not the first case of human trafficking which has been such a terrible tragedy for young people and their families, and she believes that this will not be the last case involving human trafficking. Indeed, over the past few years, Vietnam has been ranked among the top three countries in relation to trafficked children and adults (ECPAT UK, 2019). The state has been proven to be ineffective in tackling human trafficking in the face of transnational capitalist exploitation, which caused debilitating consequences on human life as a result of disabling environmental conditions. Such conditions have forced young people to leave their homes in order to find a better future for themselves, and their families with or without knowledge of human trafficking.

This transnational dimension of migration, debilitation, and foreseeable deaths and impairments produces injustice on a global scale and serves as dramatic and tragic reminder of why it is so critical to consider the rights of children and young people in the current context. This themed issue of the Canadian Journal on Children's Rights, entitled *Disability and Children's Rights: Reflections on the CRC 30 Years and Beyond*, aims to create a discursive space for reflecting on the struggles for disability and children's rights in a transnational context,

examining the relationships between and among disability and children's rights across multiple intersections including scholarly and activist spaces, disciplinary and interdisciplinary spaces, as well as spaces within and between the global North and South.

We begin by acknowledging the privileged space in which we inhabit—the colonized spaces situated within Western academic institutions. We use this space to remind ourselves and the reader of the need to recognize, acknowledge, encounter, and counter the colonial practices from which academic writing and publishing had emerged across disciplinary domains (Tuhivai Smith, 1999). Writing from the Northern hemisphere assumes the privilege of writing and theorizing, which, ultimately, challenges us to think more critically about the political implications of this themed issue. In fact, who gets the right to claim whose knowledge within this themed issue on Disability and Children's rights and who does not, is in and of itself political. While we have been inclined to include many academic articles on “disability” and “children's rights,” we are conscious of the contested nature of each of these terms, as well as the colonial and neo-colonial practices that have privileged theories from the global North (Connell, 2007). This politics of knowledge perpetuates what Kidd, Medina and Pohlhaus (2017) term “epistemic injustice” (p. 8) across the global North and South. This themed issue is thus used to counter the colonial practices embedded within this politics of writing. We have drawn on the knowledges that have been historically excluded as a way to rethink the politics of disability and children's rights from the perspectives of the colonized, the marginalized, and the voices who have historically been silenced (Nguyen, 2016).

The Convention on the Rights of the Child (CRC), one of the world's most rapidly ratified Conventions, has addressed the rights of all children, including the rights of disabled children. Specifically, the Convention emphasizes the right to non-discrimination for all children in that “States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, *disability*, birth or other status” (United Nations, 1989, Article 2, our emphasis). Article 3 of the CRC highlights that “the best interests of the child shall be a primary consideration.” Accordingly, nation-states are required to “ensure the child such protection and care as is necessary for his or her well-being” (United Nations, 1989). The best interest of the child, when applied to children with disabilities, aims at covering

all aspects of care and protection and ensures that this consideration “should outweigh any other and under circumstances [...] when allocating budget” (General Comment 9, United Nations, 2006a, paragraph 30).

Interestingly, while the CRC never defines disability, it has adopted a specific approach to disability-based discrimination while maintaining the medical model of disability in its legal provisions. General Comment 9 of the Committee on the Rights of the Child focuses specifically on the rights of children with disabilities. It observes that:

The Committee, in reviewing State party reports, has accumulated a wealth of information on the status of children with disabilities worldwide and found that in the overwhelming majority of countries some recommendations had to be made specifically to address the situation of children with disabilities. The problems identified and addressed have varied from exclusion from decision-making processes to severe discrimination and actual killing of children with disabilities. (General Comment 9, United Nations, 2006a, paragraph 3)

Article 23 leaves the medical model of disability, childhood, and care unquestioned. This medicalization of disability, childhood, and care (Abbas, 2017) is illuminated within many paragraphs of the UNCRC's General Comment, including the Committee's recommendation for State-parties to “improve their capabilities and skills in the areas of prevention and treatment of disabilities of children” (General Comment 9, United Nations, 2006a, paragraph 15). Its recommendation for basic health and welfare of disabled children stipulates that “[H]ealth policies should be comprehensive and address early detection of disabilities, for example, limb prosthesis, mobility devices, hearing aids and visual aids” (General Comment 9, United Nations, 2006a, paragraph 51). Furthermore, while the rights to access health care is a human right, this right is usually seen as “special care” and is exclusively reserved for “the *eligible* child and those responsible for his or her care” (Article 23.2, our emphasis). This notion of “the eligible child,” vaguely defined within the CRC, reflects the tension within the United Nations' human rights paradigms where neo-liberal governance has used the notion of eligibility as a discursive tool for rationalizing who can be included and excluded by the state (Falk, 2000; Rioux, 2002; Nguyen, 2015).

As scholars working across the boundaries between disability, girlhood, education, and children's rights, we have framed this themed issue as a collective body of work that tackles

what Erevelles & Mutua (2005) refer to as the “invisible presence” (p. 254) of disability within the contemporary discourses on childhood and children's rights (Tisdall, 2012). As Tisdall (2012) observes: “the marginalisation, institutionalisation and familialisation of children and of disabled people have had certain historical and current similarities” (p. 183). We approach children's rights from an interdisciplinary space, combining critical disability studies and transnational feminist perspectives. We recognize the ways in which the rights-based discourse has been framed in contested relations of power with the colonial projects of nation-states (Darian-Smith, 2010) and with the imperialist practices which produced disability and exclusion (Erevelles, 2011). Disability studies raises critical question about the norm in relation to the inclusion and exclusion of groups who have been treated unequally. Kanter (2010) explains:

... [W]hen the issue is gender, men are treated, but never acknowledged, as the norm, while women are considered the deviation. When the issue is disability, the able bodied, seeing, hearing, mentally healthy person with a certain score on an intelligence test is treated, but never acknowledged, as the norm, while people who communicate through sign language, use wheelchairs, or speak, think, or hear differently, are considered the deviation. Disability Studies helps us to understand implications of these preferences. (p. 406)

This themed issue provides critical reflections on these institutional norms, placing at the centre the rights of disabled children on the 30th anniversary of the *Convention on the Rights of the Child* (CRC). It offers a timely opportunity to rethink, reflect, and transform children's rights through critical reflections on the rights of marginalized children, including diverse groups of children with disabilities, recognizing the struggles for disability rights and inclusion across the global and local contexts. Drawing on what Pisani & Grech (2017) refer to as “critical intersectionalities” (p. 421), this themed issue calls for critical interrogations of the intersections of, and tension among, the fields of human rights and children's rights, disability studies, childhood studies, girlhood studies, inclusive education, migration studies, history, and political science with regard to the rights of children with disabilities. Readers are invited to situate the rights of disabled children within specific *contexts* in which nation-states construct their “able-nationalist projects” that embody contrasting values for their ideal citizens. In so doing, we want to pose many questions:

- In which particular socio-political space and location can the rights of disabled children get recognized, claimed, and debated?
- Who gets the right to claim whose spaces, and who does not?
- How are the rights of children with disabilities conceptualized and by whom?
- Who defines who is disabled and who is not?
- What rights are seen as most essential and for whom?
- What structural, political, economic, and cultural conditions prevent disabled children from enjoying their rights?
- How do disabled children experience violence in the context of war, transnational migration, displacement, and statelessness?
- How do gender, class, sexuality, ethnicity, and nation impact these experiences and constructions of the children in relationship to the state?
- What are the tensions between state sovereignty and forms of violence that are yet to be tackled by children's rights scholars and activists?
- How can "ablenationalism" be theorized using a combined disability studies/ children's rights lens?
- What methodologies are being used to enhance the participation of these children?
- How can we unsettle the colonial and imperialist practices against which the rights of some individuals were granted, while others' rights being taken away?

Ablenationalism and the citizenship project

The term *ablenationalism* refers to "the degree to which treating people with disabilities as an exception valorizes able-bodied norms of inclusion as the naturalized qualification of citizenship" by modern states (Snyder & Mitchell, 2010, p.113). Framed within neoliberal economies in late twentieth century, the term *ablenationalism* was borrowed from Jabir Puar's formulation of *homonationalism* to refer to the ways in which neo-liberalism strategically and tightly regulates entrance of disabled people into the neo-liberal market through the bio-politics of inclusion and exclusion (Mitchell, 2015). This concept is useful for children's rights scholarship in that it reminds us of the ways in which nation-states, in the process of institutional

building, have deployed disability as a discursive device for governing the difference through the rules of law and through institutional exclusion. This contextual politics sheds light on the dimensions to which the meanings of disability and children's rights are not neutral or ahistorical. Rather, disabled children's rights ought to be seen as a socio-political project which challenges ableist ideologies along with state violence and exclusion of its undesirable populations, including those with cognitive, physical, mental, and sensory impairments. As disability legal scholars Pothier and Devlin (2006) observe, "... issues of disability are not just questions of impairment, functional limitations, or enfeeblement; they are issues of social values, institutional priorities, and political will. They are questions of power: of who and what gets valued, and who and what gets marginalized" (p. 9).

Historically, disabled children have been always treated as the Other (Kudlick, 2003; Watson, 2012; Solomon, 2019). This cultural project was manifested in forms of segregation, institutionalization, sterilization, mercy killing, and mass killing, which has spanned across the transnational history of disability and human rights across nation-states (Mitchell & Snyder, 2003; Kim, 2017). In a 1927 United States' Supreme Court decision in the case of *Carrie Buck*, a girl with intellectual disabilities in the state of Virginia, who was pregnant and unmarried, Justice Oliver Wendell Holmes wrote:

We have seen more than once that the public welfare may call upon the best citizens for their lives. It would be strange if it could not call upon those who already sap the strength of the State for these lesser sacrifices, often not felt to be such by those concerned, in order to prevent our being swamped with incompetence. It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind Three generations of imbeciles are enough (Facing history and ourselves, n.d.)ⁱⁱⁱ

Pothier and Delvin (2006) argue that, historically, the public desire to get rid of "the defective and inferior other ... is widely seen as understandable and perhaps socially acceptable behaviors" (p. 11). In *As If Children Matter: Perspectives on Children, Rights and Disability*, a collection of conference presentations within the Partnerships for Community Living Project in Canada (1995), contributors expressed the challenges of implementing rights for children with disabilities in their respective contexts, drawing attention to disabled children's lack of access to

justice, social protection, unequal treatment in relation to education, health, social services, and restricted opportunities to community participation, and inclusivity. The cases of unequal treatment were highlighted in relation to institutional discrimination against disabled children and their families:

A child was born with Down syndrome. The child had a blockage in the intestine that prevented him from being able to digest food. He required surgery to correct the digestive tract in order to survive. A decision was made, we believe on the basis that the child had Down syndrome, that the surgery would not be performed. The child was put in a corridor with a sign on the incubator saying "Nothing by mouth", and after 11 days the child, who has become known as Baby Dan, died of starvation. This happened in a province and in a country that has child protection legislation; in a province that as a provincial government organization responsible for protecting the rights of children when the people ordinarily responsible for that child are suspected of denying those rights; in a province with a human rights commission; in a country with a charter of human rights and freedoms [sic].

(Richler, 1995, p. 59)

This case reflects the failure of the Canadian government in implementing the rights of disabled children. It reveals deep-seated structures of systemic discrimination against disabled people and children despite the legal provisions enshrined by the Charter of Rights and Freedoms. Paternalistic decisions in the name of the child's best interest have denied the child access to health care. Here, the disability is used as a rationale for denying him or her of the right to food and medical treatment. Thus, the notion of "the eligible child" framed within the CRC must rely on the presence of disability – read as a medical condition – in order to address and rationalize the dilemmas of difference in public policy (Degener, 2003). Similarly, the case of Jordan River Anderson in the province of Manitoba, a five-year old Cree child born with multiple disabilities who died due to the dispute over whether the federal or provincial governments should pay for his medical care needs, offers a concrete example of systemic injustice against Indigenous children with disabilities. This case exemplifies the ways in which racism intersects with classism and disablism denying the Indigenous child with disabilities of his right to life. The child ended up living in a hospital for the last two years before his death in 2001. In

these instances, able-nationalism has functioned through paternalistic decision-making which rationalizes ableism as the very problem of public policy in considerations over who gets what, who has access to rights, and whose bodies/minds get valued (and devalued) by the state. We argue that while children's rights claims are supposed to be universal, claims to universality are problematic because they risk failing to recognize multiple dimensions of injustice which disabled people and their children have encountered historically.

The Convention on the Rights of Persons with Disabilities (CRPD) has addressed this politics of "dis-citizenship" (Pothier & Devlin, 2006) by reframing disability as a human rights issue which recognizes the historical struggles for equality of disabled people, including disabled children. Its key principles of human rights, including "respect for inherent dignity; individual autonomy; non-discrimination; full and effective participation and inclusion in society; and respect for difference" (United Nations, 2006b; Article 3), along with others, recognize the dimensions of injustice which disabled people have faced in their lives. And yet, as Solomon (2019) argues, although things are much better than they were, especially in relation to the struggles against society's disabling attitudes, problems still persist. In Western contexts, for instance, while the civil rights movements in the past decades have marked the emergence of women's rights, the rights of racialized minorities, and more recently, gay rights, the rights of disabled people and their children have remained under siege (Solomon, 2019). Neoliberal states have framed disability as a pathological and functionalist problem in social policy (Rioux & Zubrow, 2003; Soldatic & Meekosha, 2012). This politics of difference forms the basis for institutions to include and exclude groups and individuals based on their difference from the norm (Young, 1990). In this instance, then, the state has constructed and marginalized difference in the formation of citizenship projects. Thus, advocates for children's rights must be cautious of the tensions of a statist approach to human rights (Falk, 2000), where states are positioned as granters and violators of human rights protections (Soldatic & Meekosha, 2012).

Commenting on competing legal interpretations over the case of Eve, a seven year old girl with intellectual disabilities who was sterilized by her mother during a non-therapeutic treatment, Marcia Rioux (2002) argues that "If ... the right [to consent] is

limited only to those who can make a legitimate case for being able to exercise it, then they can rightly argue that it can be removed by whatever authority is put in a position to determine who can fulfill the prerequisite on which the right is based" (p. 213). Clearly, this argument requires us to reconsider the rationales of age and maturity under which Article 12 of the CRC has been structured. It offers a basis for advancing debates over children's rights and disability by rethinking the rationales of competence, age, and maturity which govern who should have the right to consent and express one's view. At the same time, it also offers a compelling argument for why we need girlhood studies frameworks to offer a more nuanced understanding of the significance of gender and the politics of sexuality in childhood studies (Mitchell, 2013).

Crip nationalism and the rights-based projects in transnational contexts

In 2018, the United Nations Human Rights Commission (UNHCR) estimated that the number of displaced people had exceeded 70 million people. Children below 18 accounted for 50 percent of the refugee populations (UNHCR, 2018)^{iv}. Transnational displacement and mass migration associated with humanitarian crises are the root causes of disablement which have taken place across nation-states since the last decades of the twentieth century.

Queer theorist Jasbir Puar (2017) used the term "crip nationalism" to remind the reader of the structures of violence embedded within the ableist projects of nation-states. Crip nationalism produces and renders bodies debilitated within specific socio-political and material conditions, which include but are not exclusive to imperialist wars, colonial occupation, militarization, transnational migration, forced displacement, capitalist exploitation, human trafficking, and their various consequences on vulnerable and impaired bodies. By the 1900s, eugenics began to define disabled people as 'deviants' based on a fear that their individual differences – perceived as 'defects' - would spread through the nation's body. By the 1940s, 33 US states legalized sterilization policies as a means of controlling 'degenerative' human conditions (Kanter, 2010). Fearing that they would become outnumbered by "genetically defective members of society" (Kanter, 2010, p. 437), eugenicists ordered the extermination of intellectually disabled people based on its cultural logic of biological determinism. Disability was framed as a "socially dehumanising construct" (Mitchell & Snyder, 2003, p. 851) which, through the

intersection between racism and ableism, rendered bodies excluded by the ableist state. A more recent example is the increase of congenital birth defects in Iraq. Due to the use of depleted uranium targeted at the military and civilians, there was an increase in the number of infants born with “severe congenital anomalies, a four-times increase in cancer, and a twelve-times increase in cancer in children under age fourteen, much higher than the regional norms in Egypt, Jordan, and Kuwait” (Puar, 2017, p. 91). And yet, there has been uneasy engagement with the global production of disability and impairment within children's rights literature (e.g., Boyden & Hart, 2007; Freeman, 2007; Callus & Farrugia, 2016). The concept of *crip nationalism* sheds light on human struggles for life and survival, while reminding us that we need to situate human rights and children's rights within the transnational contexts as the very fundamental phenomenon of the twenty-first century.

At the time of our writing, the conflict between the Kurdish forces in northern Syria and the Turkish state is taking place, claiming the lives of dozens of civilians, including children who have become victims of the transnational conflict. The geopolitics of disability and difference is manifested in the production of disability and impairment in Southern bodies. Incidences of deaths among civilians who died or became injured, including Syrian boys and girls who lost their lives during the third day of the deadliest Turkish attack, were reported (Chulov, 2019). And yet, there has been no question about the ways in which this geo-politics of conflict has produced death, debility, and disablement. From where we stand, the history of residential schools for Indigenous peoples in Canada, the colonial occupation of Indigenous lands, languages, cultures, and the disablement of human lives through poverty and exclusion, all reflect the ways in which nation-states have rendered bodies disabled, while keeping them in a status as such (Truth and Reconciliation Commission of Canada, 2015). While survival and development of the child has been a key pillar of the CRC, we argue that this right must be considered within uneven geo-political contexts, including the political conflicts which currently play out in many contexts of the global South.

Critical disability studies sheds light on the ways in which transnational capitalist productions have rendered bodies in the global South stateless, disabled, and excluded (Goodley, 2013; Connell, 2011; Meekosha, 2011; Puar, 2017; Nguyen, 2018). It

illuminates how institutional ableism and disablism have discursively and materially produced disabled bodies in colonial and imperialist conditions. And yet, it sheds light on the ways in which disability rights and disability justice have been mobilized by competing ideological positions which challenge the abstract and universalist perspectives of children's rights and human rights. Thus, we suggest that critical disability studies can offer children's rights advocates an essential analytical tool for understanding historical forms of violence, exclusion, marginalization, and powerlessness in transnational, national, and local contexts by critiquing the politics of disablement (Oliver, 1990) embedded within state violence and its rendering of bodies disabled and stateless. The struggles for children's rights, then, are situated within the struggles for justice of disenfranchised groups whose rights have been historically infringed or taken away by colonial and imperialist states.

Critical disability studies sheds light on the 'coloniality of power' (Qujiano, 2000) in producing inclusive and exclusive spaces through the capitalist and imperial structures. This politics of disability and debilitation (Puar, 2017) is useful for considering the impacts of humanitarian crises on families of refugees with disabilities and/or refugees who have become disabled by national and international conflicts. It opens up new questions and debates about disability justice (Sins Invalid, 2016) across transnational spaces from the perspectives of disabled children and youth. Children's rights, then, could be framed as situated within and mobilized by collective social movements which call into question power and injustice, the impacts of war and state violence, and its consequences on rendering childhood bodies disabled through debility, poverty, exclusion, and powerlessness.

The contributors to this themed issue—including scholars, activists, graduate and undergraduate students, along with disabled youth—offer important theoretical and methodological tools for understanding the economic, political, and material conditions which produce the politics of disability and vulnerability (Erevelles & Nguyen, 2016). At the heart of this work is the idea of intersectionalities, where we recognize the diversity of disabled childhoods, including girls, racialized children, refugees, children living in poverty, and children defined as orphans, in relation to structural conditions shaping the inequalities between countries and communities in the global North and South. Building on the significance of participatory

approaches to deepening an understanding of intersectionalities (see Mitchell, de Lange & Moletsane, 2017), we recognize that it is often 'through the eyes' of children with disabilities themselves where these intersectionalities are most dramatically and insightfully represented.

Overview of the contributions to the Special Issue

This Special Issue draws together work from a number of different countries from the global North (including Canada, Italy, the US and New Zealand) and global South (including North Korea, India, Uganda, and Vietnam) to capitalize on the challenges of children's rights in the current context. The contributors offer a wide range of historical, political, and sociological analyses of disability and children's rights, using textual analysis of film and television, ethnographic studies, first person narratives, 'looking back' approaches, participatory visual and arts-based approaches, and quantitative studies. This collection includes theoretical and empirical analyses on disability and children's rights across the intersections of race, gender, ethnicity, nation-states, and age, including as it does personal reflections and writings by children and young people.

The first section, Critical Inquiry, starts with an article by James Tavares, "Between World Borders: Situating the Reality of a Child Labelled Schizophrenic as Real." Drawing on critical mad studies perspectives, the author explores the relationship between madness and constructions of childhood through the analysis of a video on the Oprah Winfrey Network of an interview with Jani, a young girl labelled with 'childhood schizophrenia.' The article challenges the idea of childhood experiences as a form of entertainment for viewers. Taking up the different psychogeographies or world(s) of mad people, more specifically children, the article asserts what can be described as the 'sanist move' to only consider the shared phenomenological conscious experiences of populations at large as a type of 'cognitive injustice' that ignores the multiplicity of realities that exist.

Suzanne Commend in her article looks at the transnational movements for the rights of disabled children in Quebec through three historical periods: the 'avant-garde' movement for adopting the Bill of Rights for disabled children (1922-1939), which includes the participation of Quebecers into the transnational children's rights movement, the post-war period [1950-1970], and the socio-political struggles for disability rights [1960-1980]. Commend demonstrates how these conceptualizations of disability have emerged as a part of the ideological shift on societal values for disability within specific socio-historical conditions. As she demonstrates, the rights of

“crippled children” were widely debated within the private sectors, including philanthropists, who defended the rights of disabled children as a “social responsibility” (Commend, p. 6, this themed issue). And yet, their discourses about enabling these children to gain their ‘value’ were complicated by an ableist ideology to free disabled children from their “crippling conditions” (p. 7), reflecting the tension within the children’s rights movement in that the eugenic ideology for eradicating disability was debated by children’s rights actors. Her historical account offers an insightful perspective on the politics of rights for disabled children and the ways in which they have sustained ableism through normalization and integration discourses.

The next article by Rua Mae Williams “Metaeugenics and Retaresistance: From Manufacturing the ‘Includeable Body’ to Talking Away from the Broom Closet” highlights the ways in which the governance of rights is, as the author writes, ‘a complex project of exercising ethical discretion in a systemically unethical society’ (Williams, this themed issue). Grounded in a critical disability studies perspective, the article exposes key tensions within and between the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD). Critically the article questions ‘who governs the definition of “health”, of “development”, of “access”, or of “best interests”?’ and in particular the questions ‘who truly benefits when we engage in the production of ‘includable bodies’ rather than the deconstruction of exclusionary environments. The author calls for resistance of the production of includable bodies. As she writes, ‘Researchers will benefit from crafting a literacy of resistance. In actively searching for participant resistance and attending to its causes, researchers can learn to hold themselves accountable to the deployment of metaeugenics in their work’. (Williams, this issue).

The final article in this section is Nandini Ghosh’s “*Not Like Other Girls*’: Looking Back as an Approach to Studying the Socialization of Girls with Locomotor Disability in Bengal.”. Drawing on feminist disability studies, Ghosh works with the idea that cultural notions of femininity construct and shape the development of identities of women with disabilities. Her article seeks to reveal the ways in which women with locomotor disability in West Bengal have experienced the processes of gender socialization as girls and young women, in the light of patriarchal and ableist ideologies existing in their own cultural context. The methods used in Ghosh’s work build on feminist ethnography and the idea of studying girlhood through a ‘looking back’ lens. Overall, the article highlights the ways in which the gendered processes of socialization posit a conditional gendering process for disabled women. Specific aspects of

gendered behaviour and expectations are denied to them while they are expected and forced to conform to other aspects in their private and public lives.

The next section, Policy and Practice, begins with an article by Yosung Song and Justin Freedman, "Childhood Experiences of North Korean Refugees at the Intersection of Disability and Refugee Status." Through rich theoretical and empirical analysis of the embodied and social experiences of North Korean refugees who were seen as "disabled," this article highlights the struggles for access to rights, including the rights to health and education, of refugee children in Southern states. Situated within the geo-politics of inclusion and exclusion in the global South, their journeys of escaping North Korea were associated with a series of illegal and dangerous border crossings between North Korean and Chinese borders in hopes that they would get eventually get to South Korea. North Korean refugees faced systemic violence, exclusion, and powerlessness and fear of being deported. Using a critical disability studies perspective, Song and Freedman demonstrate how categories of refugee and disability "are both constructed and embodied within material circumstances" (Song & Freedman, this issue). By critically analyzing the intersectional constructions of disability and refugee status, along with their engagement with disability studies in the global South, the authors offer rich theoretical grounds and solid empirical evidence for understanding the constructions of social and embodied experiences of North Korean 'disabled' refugees through able-nationalist ideologies.

In "Help Them Back Home": Italian Fantasies of (Neoliberal) Inclusion from Buona Scuola to Salvini's Government," Valentia Migliarini uses DisCrit, an interdisciplinary and intersectional approach that investigates the ways in which "racism and ableism are mutually constituted and collusive, always circulating across time and context" (Migliarini, this themed issue), to explore the ways in which Italian inclusive education policies have been framed by dominant political ideologies which have been exclusive of difference. Migliarini illustrates how inclusive education policies in Italy, such as the policy of *Integrazione Scolastica*, have promoted a neoliberal approach to inclusion through a 'color evasive ideology' of disability and diversity, thus failing asylum-seeking and refugee children. The manufacturing of migrant children's cultural and linguistic difference as a 'deficit' reflects the interlocking systems of institutional racism and ableism through categories of difference. Both articles by Song and Freedman and Migliarini offer unique understandings of the ways in which intersectional

oppressions have reinforced exclusions of youth and children's bodies transnational contexts through the constructions of able-nationalist norms.

Sarah Hart's "Opportunities to Transition from Dignity: Silos and Trialing in Aotearoa, New Zealand" looks at the other end of the spectrum of childhood by focusing on how three young men transition out of school and into community life. Drawing attention to the idea that that transition is a human right in and of itself. Hart highlights in this ethnographic study both the silos or breakdowns in collaboration between the different sectors, and the ways in which the trialing of the various post-school options was also an impediment to transitioning with dignity. The experiences of the three young men were analyzed within a disability studies framework using the capability approach (Nussbaum, 2006; Sen, 1985).

The section on Policy and Practices ends with an article by Patrick Walugembe, Robert Wamala and Cyprian Misinde, "The Rights of Children with Disabilities and Influence of Disability on Household Vulnerability: A Case of Vulnerability in Rural Uganda." The article reports on a large-scale assessment of 17, 848 households in Uganda with one or more children with a disability. What they found is that households with a child(ren) living with a disability were less likely to register any improvement from vulnerability, the children were less likely to be enrolled in school and more likely to be absent from school. In this way children with disabilities experience marginalization and exclusion and overall there is a violation of their rights to education. The authors note that it is also vital to closely pay attention to vulnerable households, or communities where children have parents/guardians who are living with disabilities. Their main conclusion is the idea "disability compounds vulnerability in already vulnerable households." (Walugembe et al, this issue)

The Youth section offers provocative accounts on disability and childhood from the perspectives of disabled children and youth, as well as of undergraduate students whose research involves working with disabled children. Charlotte Gould articulates "the rights of autism" from her position as an autistic child who is determined to affirm her space and unconditional love which disabled children are entitled to have. Her affirmation of the rights to be different provocatively speaks back to the dominant framing of autistic children as distinct forms of "disorder" (McGuire, 2016, p. 30) that have been seen as truths within behavioural and neurological approaches to development psychology. The rights of autism offer a politics of

recognition which challenges the politics of 'dis-citizenship' (Pothier & Devlin, 2006) for disabled children.

In the "Right to Play for Children with Disabilities," Julia Mulder, Mikaela Graf and Samantha Carter draw attention to the problematics of child development theory that have been embedded within the CRC. Their article, building on a project-based learning activity in a Children's Rights class at Carleton University, highlights the importance of the right to play for disabled children through the use of a photovoice project which engages with autistic children's perspectives on their place, space, and social boundaries. The authors challenge the 'typical' stages of development" underlying developmental psychology which the CRC has adopted and argue that "inadequate understandings of children's varied definitions of play lead to exclusion in non-institutional and institutional settings" (Mulder, Graf and Carter, this themed issue). This project sheds another interesting perspective on the "rights of autism" and the politics of inclusion from the view of autistic children, as well as children labelled with Attention Deficit Hyperactivity Disorder [ADHD] and behavioural challenges.

Thuy Linh Dang's "Empowerment Through Participation in Viet Nam: A Personal Experience of Taking Back the Pride of Disability" presents her experiences as a young woman with disabilities in Vietnam and a research assistant engaging with a research project "Transforming Disability Knowledge, Research, and Activism" (TDKRA) - a collaborative and participatory visual research project that aims to tackle these challenges of disability research and activism in Vietnam. Offering a first-person account, Dang illustrates the lessons she learned through this journey to inclusion in her fieldwork with girls and young women with disabilities. She writes: "I realized that the reason made me uncomfortable is not my disability, it is the way some people are treating me" (Dang, this themed issue). Moving away from what she frames as a non-critical perspective on her disability to a more critical standpoint, Dang argues: "It is essential that people with disabilities use media as an instrument in raising awareness, countering discrimination and altering societal misconceptions from their perspectives" (Dang, this themed issue).

The Open Section introduces Daniella Bendo's reflections on her role as a coordinator of a participatory workshop entitled "Can Disability be Positive?" Reflecting on Children's Rights and Disability Through Shaking the Movers: A Youth-led, Consultative, Collaborative, Participatory Model," organized as a part of the Shaking the Movers movement designed by the

Landon Pearson Centre on Childhood and Children's Rights. The article highlights the importance of disabled youth's advocacy and relationality with adults through their active involvement in the workshop, while challenging adultist perspectives in 'helping' disabled children. As she writes, "the young people challenged me to reconsider the helpful/harmful relationship between children with disabilities and caregivers as well as the enabled/disabled dichotomy" (Bendo, this themed issue). Tracing the motto, "Nothing about us without us" and the emergence of the disability rights movement, Bendo offers an insightful reflection on her learning journey to disability studies from a childhood and children's rights perspective. Finally, the Journal is pleased to include Sidra Hashmi's article titled "Mundane Marginalization: A Criminological Analysis of the Immigration Detention of Children in Canada." Sidra is the 2018 winner of the University of Ottawa's Interdisciplinary Research Laboratory on the Rights of the Child undergraduate essay competition.

Conclusion: Re-engaging children's rights and disability in transnational contexts

Reflecting on the 30-year anniversary of the CRC, this themed issue will, we hope, create a critically engaging space for academics, activists, and students across disciplinary and interdisciplinary domains to ponder the politics of children's rights in relation to the politics of disability and other intersectional identities. Writing from an academic space, we recognize this space has been historically colonized by colonial and neo-colonial powers which have continued to exclude many voices and identities. This themed issue thus raises further questions regarding the politics of voice in academic and activist writings. It challenges children's rights and disability activists to connect our spaces and experiences across the geographical borders as a decolonial approach to children's rights and disability. This critical and decolonial approach to children's rights, will allow us, we anticipate, to engage in the politics of knowledge production and mobilization as a form of praxis which, as Nguyen, Stienstra, Gonick, Do, & Huyen (2019) argue, challenges exclusive practices in the academy.

In 2018, the Committee on the Rights of Persons with Disabilities released General Comment 7 on the "participation of people with disabilities, including children with disabilities, through their representative organizations" (United Nations, 2018). To promote the inclusion of disabled people, including children and young people with disabilities, and their organizations in

the decision-making process, the UNCRPD Committee highlights the principle of full and effective participation as “a transformative tool for social change, and promote agency and empowerment of individuals” (United Nations, 2018, General Comment 7, paragraph 33). The inclusion of children and young persons with disabilities into public and community life is seen as fundamental to effective and meaningful participation. By including the voices of disabled youth and children through a range of participatory approaches, this themed issue seeks to make space for, and centralize, their voices in academic praxis.

We began this editorial by referring to the tragic case of the 39 bodies of young people and adults, all from Vietnam, who were victims of transnational labour and human trafficking in the UK. While this themed issue seeks to be intersectional and interdisciplinary, the question of human rights violations must be situated within the transnational capitalist social relations that require us to ask critical questions about whose rights have been upheld and whose rights have been infringed in the face of sustained forms of unequal power relations. This themed issue opens up a space to ask provocative questions about disability, children's rights, and social justice as a starting point for rethinking children's rights in transnational contexts. Taken as a whole, the Special Issue seeks to be its own form of knowledge mobilization aimed at strengthening debate and further research.

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Notes

i Available at <https://www.cbc.ca/news/world/human-trafficking-expert-on-u-k-truck-deaths-1.5337440>

ii Disability studies (DS) is a field of inquiry which seeks to challenge and disrupt the ableist norm. We use “disability studies” (instead of “Disability Studies”) to signify our efforts to decentralize the origins of white, male, heteronormative, and global North bases from which disability studies had emerged as a discipline (Bell, 2010; Kim, 2017). In so doing, we invite more inclusive engagements within and across interdisciplinary scholarships.

iii Available at <https://www.facinghistory.org/resource-library/supreme-court-and-sterilization-carrie-buck>

iv Available at <https://www.unhcr.org/5d08d7ee7.pdf>

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